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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 27 March 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

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The meeting was called to order at 10.15 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(item 5 of the provisional agenda) (continued) (E/CN.4/1996/22, 23, 106, 113 and 140; E/CN.4/1996/NGO/2, 3, 7, 8, 10, 14 and 15; E/CN.4/Sub.2/1995/12 and 15)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (item 6 of the provisional agenda) (continued) (E/CN.4/1996/10, 24 and 25; E/CN.4/1996/NGO/1, 8 and 11; E/CN.4/1995/11, 21 and 27)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (item 13 of the provisional agenda) (continued) (E/CN.4/1996/75, 76 and 96)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (item 14 of the provisional agenda) (continued) (E/CN.4/1996/77, 78 and 87; A/CONF.157/PC/62/Add.11/Rev.1; A/50/505)

1. Mr. HASHIM (Bangladesh) said that the implementation of the relevant recommendations in the Vienna Declaration and Programme of Action would make a significant contribution to the realization of the right to development. His Government's sustained endeavours to attain comprehensive socio-economic uplift had produced some encouraging results, but resource constraints were affecting the implementation of essential programmes and creating obstacles to the effective enjoyment of all human rights. In that context, it was essential to reinvigorate the international community's support for least developed and poverty-stricken countries.

2. In fact, the world's development scenario was far from promising. Developing countries were facing the formidable challenge of keeping pace with the rising expectations of their peoples, while their efforts were seriously hindered by poverty, underdevelopment, disease, illiteracy, overpopulation and environmental fragility, which required both remedial measures within countries and a supportive external atmosphere. Poverty was a major obstacle to the enjoyment of all human rights, and its immediate alleviation and eventual elimination should remain a high priority for the international community. Nevertheless, despite resource constraints, developing countries

were increasingly shouldering responsibility for the implementation of appropriate development strategies through the mobilization of domestic resources, but their efforts needed to be supplemented by adequate external support.

3. The opportunities offered and challenges posed by the forces of globalization and liberalization had made it even more imperative to promote closer international cooperation by exploring new avenues of collaboration and evolving a new vision of partnership for development, aiming at a worldwide social contract. The international community should bolster the efforts of the developing countries by providing assistance for capacity-building on favourable terms. In particular, increased flows of official development assistance (ODA), the removal of aid conditionalities, debt relief, enhanced market access and access to environment-friendly technology would facilitate poverty alleviation and sustainable development.

4. A comprehensive and integrated strategy should be adopted rather than a piecemeal approach. Close and more effective coordination among the relevant United Nations agencies would no doubt produce positive results, as would a strengthening of donor-recipient consultation and cooperation on development-related issues with the Bretton Woods institutions.

5. His delegation welcomed the initiative by the High Commissioner for Human Rights to entrust to one of the new branches of the Centre for Human Rights responsibility for activities related to the right to development. It hoped that the Working Group on the Right to Development would make an all-out effort to fulfil its mandate of examining the various aspects of that right and of making recommendations for its effective promotion and enjoyment. The resolutions adopted by the Commission at its current session would undoubtedly go a long way to assist the comprehensive promotion of that right.

6. Mrs. AROCHA (Venezuela) said that, to achieve greater progress in implementing the right to development, a number of aspects must be taken into account. First, the human person must be the centre of all considerations. Secondly, the right to development must be approached from an integral interdisciplinary standpoint in which economic growth and social development were linked together. Thirdly, the right to development should be construed as a multidimensional, integrated, dynamic and progressive right along the lines indicated by the Working Group on the Right to Development (E/CN.4/1996/24) and all human rights must be dealt with on a footing of equality, since they were indivisible, complementary and universal. Fourthly, there was no single development model applicable to all cultures and peoples, but all development models must be in keeping with international human rights standards. Fifthly, action by States and other international actors must be based on the search for peace, socio-economic development, social justice and democracy, international cooperation being indispensable for the attainment of global development.

7. Her delegation had taken due note of the obstacles to the implementation of the right to development and of the recommendations and conclusions of the Working Group. The proposal for a mechanism for the presentation of progress

reports needed to be studied in greater depth. It was very important that the Group should study the possibility of establishing a unified system for the presentation of country reports so as to avoid duplication of effort and consequent waste of time and energy.

8. Her Government was currently endeavouring to give national economic programmes a more social and human content but great difficulties were being encountered, particularly the high social cost of structural adjustment programmes and debt-servicing. International economic and political relations needed to be democratized and the right to development given priority status on the international agenda. Coordination within the United Nations system was of particular importance in that regard.

9. Her delegation supported the strategy formulated by the High Commissioner for Human Rights in that area, as well as his restructuring of the Centre for Human Rights. It shared his view of the role which international financial institutions should play with regard to social programmes and of the importance of protecting economic, social and cultural rights during periods of structural adjustment and of transition to market economies.

10. Lastly, her delegation hoped that the pragmatic, moderate and balanced language used in the draft resolution on the right to development, currently being prepared on behalf of the non-aligned countries, would enable it to be adopted by consensus.

11. Mr. LEMINE (Mauritania) said that the implementation of the Declaration on the Right to Development was a matter of supreme importance. The Working Group on the Right to Development had made some wise recommendations, and the realization of the right was no longer an Utopian aspiration. However, certain economic developments were leading to pauperization, which in turn led to extremism and violence. It was therefore essential that all parties concerned should shoulder their responsibilities and that the efforts made by many developing countries at the national level should be supported by effective international action, especially with regard to the debt crisis.

12. The increasing globalization and interdependence of the world economy required greater collective responsibility and solidarity, since no country was able to "go it alone". Consequently, all nations should join together to eliminate obstacles to the realization of the right to development so that everyone could enjoy civil, political, economic, social and cultural rights in freedom, safe from the scourge of poverty.

13. Mr. BERGUÑO (Chile) said that the right to development had evolved significantly since its initial expression in the Declaration on Social Progress and Development of 1969. Three essential components of the right to development had emerged. The first harked back to the Universal Declaration of Human Rights and envisaged the human being as the source, agent and final object of all forms of development. The second component was basic equality and the elimination of all forms of racism, while the third involved restoring equality of opportunity through protection of the most vulnerable social groups.

14. His Government had sought to devise and implement development strategies, involving popular participation, aimed at eradicating poverty and ensuring a more just distribution of income. It was necessary to go beyond any division of the population into classes, sectors or categories. The right to development should be the expression of the interdependent relationship between human rights, democracy and development.

15. Progress in realizing the right to development was often wrongly measured on the basis of minimum requirements. Viewed from that standpoint, structural adjustment took on a negative shading. There was inevitably a high social cost for adjustment measures, with an adverse effect on the enjoyment of human rights, but the pain accompanying such measures should not be exaggerated. The Vienna Programme of Action provided for a favourable economic climate and true cooperation for development, in which all players shouldered their responsibilities. To foster such a climate, it was necessary to prevent the adoption of unilateral measures that contravened international law and the United Nations Charter. Promotion of human rights could be achieved only within an alliance governed by equity, understanding and mutual interest.

16. The day would surely come when the progress of nations would be measured, not by their military or economic might or the splendour of their public buildings but by the well-being of their peoples, levels of education, nourishment, health and employment, care for the most vulnerable groups, respect for human rights and the ability of individuals to participate fully in decision-making.

17. He agreed with earlier speakers on the need to reconcile opposing viewpoints so as to ensure support for the draft resolution on the right to development, being elaborated on behalf of the non-aligned countries, which called for the creation of a new working group with a specific and realistic mandate that would enable it to make even greater progress than the current Working Group.

18. Mr. URRUTIA (Peru) said that, despite the general consensus on the indivisibility and interdependence of all human rights, the international system for promoting such rights was still focused on civil and political rights rather than economic, social and cultural ones. The Vienna Declaration and Programme of Action could be properly implemented only by an equitable and comprehensive approach to all human rights.

19. The many pledges made to respect the right to development must be translated into action and that could be done only by putting an end to rhetoric and other delaying tactics and acknowledging the need for international cooperation. The failure to adopt by consensus the report of the Working Group on the Right to Development was thus a matter of great concern. Even more troubling was the lack of adequate ODA: only four countries had pledged to development assistance the minimum requirement of 0.7 per cent of their GNP. Dialogue on the right to development must be anchored in the realities of the developing countries, with their genuine and urgent needs, without losing sight of the determining role played by economic and social factors.

20. His delegation thus strongly supported the efforts being made to reach a consensus on a draft resolution on the right to development, whereby a working group to elaborate strategies for the realization of that right would be established. It also welcomed the establishment within the Centre for Human Rights of a unit to deal with the right to development. The High Commissioner for Human Rights had also a major role to play both in terms of the mechanisms under his control and by stressing that the indivisibility of human rights and the realization of the right to development required a coordinated approach of the entire United Nations system.

21. He hoped that the momentum attained in the General Assembly with regard to the right to development could be maintained. Otherwise certain situations might become a threat to international security.

22. Mr. NASSERI (Observer for the Islamic Republic of Iran) said that essence of the right to development was attainment of an acceptable standard of living which preserved the dignity of the individual and society. There was thus a mutually reinforcing relationship between the right to development and all other human rights. Consequently, his delegation strongly supported the recommendation of the Working Group on the Right to Development that the Commission should establish a specific programme to promote and implement that right, endorsed the suggestion that the Centre for Human Rights should allocate resources for advisory services to assist Governments in promoting the right, welcomed the decision of the High Commissioner for Human Rights to establish a division of the Centre to deal with the topic, and considered that specific proposals on ways to implement the right to development should be made to all relevant bodies and agencies.

23. Since the World Conference on Human Rights, there had been a rapid growth in workload of all the bodies concerned, thus making it essential to find ways of optimizing working methods. To that end, his Government proposed that a link be established between the work of the treaties bodies and that of the Commission, which often overlapped, and that human rights information be consolidated in a unified annual country-situation report. The Canadian proposal, subsequently withdrawn, that a human rights yearbook be issued was also a valuable one. Such measures would help offset the scrutiny to which the developing countries were subjected and ensure that the human rights picture in all countries was equitably examined.

24. The need for international cooperation for the realization of human rights and fundamental freedoms had often been reaffirmed but that implied, contrary to what had hitherto occurred, that all members of the Commission should participate fully in its activities, including the process of drafting, considering and adopting decisions and resolutions. To that end, the Commission should strive to ensure that its work was accomplished by the process of consensus and should resort to voting only if all attempts to achieve a consensus had failed.

25. Mr. SELEBI (Observer for South Africa) said that, since the adoption of the Declaration on the Right to Development, no political consensus on the issue had been achieved in the United Nations except at the World Conference on Human Rights, which had recognized the right to development as a universal and inalienable right.

26. Consensus was important for political and administrative reasons. Without consensus, it would be difficult for the Working Group on the Right to Development to complete two important tasks: the preparation of guidelines for the full implementation of the Declaration on the Right to Development and the elaboration of a global strategy for the promotion of the right to development.

27. His Government's policy of democratic participation, transparency and accountability was reflected in its Reconstruction and Development Programme, designed to achieve integrated and equitable development in the country and the region, a Programme that was inspired in part by the African Alternative Framework to Structural Adjustment Programmes, elaborated by the Economic Commission for Africa (ECA) and endorsed by the Organization of African Unity (OAU). It was most concerned about the debt burden on its neighbours, one of the main obstacles to development, and supported any initiative that would address the problem in a systematic, consultative and comprehensive way.

28. Free trade was not a "level playing field" for all countries. The special and differential clauses incorporated into the Uruguay Round by and in favour of countries with weak or transitional economies must be implemented.

29. States had the primary responsibility to further the right to development which, in concrete terms, meant ensuring democracy, improving the standard of living of the poor, and providing an administration free from corruption. His own Government had made good progress in restructuring its budget at all levels so as to meet the basic needs of its citizens and to create employment.

30. There was a need for greater coordination and cooperation within those parts of the United Nations system that dealt with the right to development, including the Bretton Woods institutions and the World Trade Organization. The Working Group on the Right to Development should consider ways in which the United Nations system could facilitate implementation of the right to development, including the holding of a high-level segment of the Economic and Social Council on the topic.

31. Mr. VENERA (Observer for the Czech Republic) said that progress towards universal ratification of the international human rights instruments had been slow, although such ratification was crucial for the enjoyment of human rights. National and regional particularities and historical, cultural and religious backgrounds should not be invoked to undermine the universality of human rights instruments. Reservations should not be an expedient for acquiring international respectability and States that had entered reservations should consider withdrawing them.

32. The Czech Republic intended to withdraw a number of its reservations to international treaties. Its Parliament had just approved the ratification of articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, whereby the Czech Republic would recognize the jurisdiction of the Committee against Torture. A similar step towards accepting the jurisdiction of the Committee on the Elimination of Racial Discrimination was currently being prepared.

33. The monitoring mechanisms of the treaty bodies needed to be strengthened and he thus welcomed the innovative approach to monitoring set out in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Amendments to improve other such mechanisms should be introduced and he urged all the States parties to support such amendments. In addition, the chairpersons of monitoring bodies should continue to examine ways of reducing duplication in reporting, without impairing the quality of such reporting, and to improve their cooperation in general. Both United Nations bodies and national authorities should follow up the recommendations and conclusions of the monitoring bodies.

34. Ms. GRANADOS (United Nations Environment Programme), speaking on behalf of the Secretariat of the Basel Convention (SBC), said that the Convention was the only international legal instrument monitoring the transboundary movements of hazardous wastes, including illegal traffic. The report of the Commission's Special Rapporteur on the topic (E/CN.4/1996/17), was of particular interest to SBC because the Convention was designed to evolve in accordance with the needs and requirements of the international community.

35. In preparing her report, the Special Rapporteur had had at her disposal full documentation on the Convention, but SBC hoped to establish direct contact with her in the future so as to provide her with a comprehensive view of the ways and means available to it to prevent, monitor and control illegal traffic and of the actions taken at all levels for such purposes, including capacity-building, regional cooperation and cooperation with the International Criminal Police Organization and the World Customs Organization.

36. In her report, the Special Rapporteur recommended that a focal unit be established in the Centre for Human Rights with the specific task of following up the findings of the Special Rapporteur and other related issues. Clearly, that unit, which would focus on the human rights dimension of the problems of the illegal traffic of hazardous wastes, should cooperate closely with the Secretariat of the Convention which would be glad to provide it and the Commission with the relevant information. SBC would, of course, inform the Bureau of the Conference of the Parties to the Basel Convention, which was currently meeting, of developments in the Commission on the topic.

37. Mr. BERNAL (Mexico) speaking in his capacity as General Coordinator of the Governmental Delegation to the Dialogue for Peace in Chiapas, said that he fully endorsed the Danish proposal to include a separate item on indigenous peoples in the Commission's agenda, under which he would, preferably, have made his current statement. However, since it was recognized that the conflict had arisen largely from a lack of full realization of the economic and social rights of the indigenous populations in south-eastern Mexico, the current discussion appeared to be the most appropriate place.

38. His Government had decided to seek a political solution to the conflict in the State of Chiapas, through negotiation and dialogue and had agreed to the mediation of CONAI, as endorsed by the Ejército Zapatisto de la Liberación Nacional (EZLN). In accordance with the agreement reached between the parties, Congress had enacted the Act on Dialogue, Conciliation and a

Dignified Peace in Chiapas, which had established a legal framework within which the parties were bound to continue negotiations until the signing of a peace and concord agreement.

39. The Act, which was completely unprecedented, established the principle of the joint responsibility of the various parties to the conflict; set forth the issues for negotiation; defined the parties to the conflict and other actors involved and their corresponding roles in the phases of dialogue and negotiations; and established that the conflict would be settled by a political solution.

40. Mexico was thus the first country to propose the resolution of an armed conflict by means of a legislative act. The Act represented a genuine institutional method for settling the conflict and arriving at viable solutions for attaining reconciliation and peace, while ruling out the possibility of further armed conflict.

41. According to the Act, the negotiation process would lead, by definition, to the transformation of EZLN into a legal entity. The Act also made provision for the follow-up and verification of implementation of the agreements and drew attention to the causes of the conflict. Lastly, it provided for the promulgation by Congress of an amnesty law, once the negotiations had been successfully concluded.

42. The Federal Government and the Government of the State of Chiapas had introduced a series of social policies designed to improve the standard of living of the general population of Chiapas and meet the demand for public services, food supply, education, health and production support. A major programme to re-establish the rule of law had been instituted, which had brought renewed peace and security. Improvements had also been made to the system of justice.

43. Chiapas was experiencing a social and political détente. Land occupation had been virtually eliminated by the institution of suitable agrarian programmes. Local elections had been held in October 1995 in an atmosphere of calm; and social, educational and production activities were gradually returning to normal.

44. In April 1995, the Basic Protocol for Dialogue which served as a complement to the Act, had been signed. In September 1995, the parties had signed a document relating to the agenda and rules of procedure, which set forth substantive matters for discussion and specified that the outcome of the negotiations must include the political and social reconciliation of the Chiapas region, the political transformation of EZLN, and demilitarization. The document also established the obligations of both parties with regard to issues limited to the State of Chiapas. In respect of issues of national concern, the document established the obligation of the parties to submit joint proposals to the appropriate national authorities, if consensus was reached, and the right of the parties to issue joint or unilateral statements.

45. Within that legal framework, EZLN had been able to engage in political activities in conjunction with national bodies and to benefit from the advice of consultants, all of which had taken place in full respect for human rights.

46. A round-table conference on indigenous rights and culture, involving the delegations of the Government of Mexico and the EZLN, had been held between October 1995 and February 1996, as a result of which EZLN had accepted the Government's proposal that its demands for autonomy, territory, local political reforms and reforms of the judiciary should be dealt with within the Mexican legal system and the political structure of the Mexican State. Agreements on indigenous rights and culture were consequently signed on 16 February 1996 between the federal Government and EZLN, establishing the framework within which the new relationship between the State and the indigenous peoples would be conducted.

47. The right to self-determination and autonomy was recognized within the framework of the legal and political institutions of Mexico. The principles which were to govern the State's action in its new relationship with the indigenous peoples were also established, namely, pluralism, sustainability, participation and self-determination and on the basis of those principles, the political, legal, social, economic and cultural rights of the indigenous peoples were recognized. The new relationship was to be based on respect for differences and on the recognition of indigenous identity as an intrinsic component of Mexican nationality. The agreements guaranteed inclusion, continuing dialogue and consensus for the integral development of indigenous peoples. The indigenous peoples were thus to become subjects, not objects, of development policies, and as such, would be fully consulted and included in overall national development efforts.

48. The agreements also contained some joint proposals concerning the necessary legislative reforms for amending national laws concerning the recognition of indigenous rights for submission to Congress and the Federal Executive. Legislative reform measures and actions by the State of Chiapas were also proposed, including recognition in the constitution of the State of Chiapas, of indigenous peoples as subjects entitled to rights and guarantees and of the indigenous communities as public-law entities; the recognition of the fundamental rights of indigenous peoples to self-determination expressed through autonomy within the framework of State institutions; the promotion and protection of the organization and development of the indigenous family and of the rights of women; and the right to bilingual and multicultural indigenous education.

49. The Government of Mexico was committed to implementing the agreements and thus meeting the demands of the indigenous communities. The Act provided for the establishment of a follow-up and verification commission which would have to be dynamic, flexible and autonomous and constitute not a forum for denunciations but a mechanism for implementing the agreements. It was also necessary to continue the dialogue, for which purpose, a round-table conference on democracy and justice had been established.

50. It thus appeared that a successful formula had been found to improve the political system and system of governance of the Republic of Mexico and ensure the participation of all civil groups and social movements in Mexican political life.

51. Ms. ADAMSON (Four Directions Council) said that the United Nations should take immediate action to safeguard the right to survive of the Khwe people of Botswana, the so-called Bushmen. Since 1966, the Government of Botswana had, in the name of development, systematically denied the Khwe the right to own, have access to or use land despite the fact that, under the country's Constitution, all people had the right to sufficient land resources.

52. Commercial cattle operations had displaced tens of thousands of Khwe, destroying rich wildlife with their agricultural practices and using the Khwe who refused to move as virtual slave labour. On 7 February 1996, the Ministry of Land and Housing had notified the Khwe that a convoy of cattle trucks would arrive at the end of the rainy season and remove them from their last remaining ancestral territories, the Central Kalahari Game Reserve. The Government had stated that it would use persuasion, not physical force, to effect the removal. At best, however, that meant that the Khwe would face hunger and thirst, as their access to traditional veld foods, sources of water and firewood was prohibited, while Botswana game wardens had been known to beat or even kill Khwe subsistence hunters on trumped-up charges of poaching.

53. Mr. BROOTA (Indian Council of Education) said that violations of individual and collective human rights in various parts of the world had been increasing and, unfortunately, the growth of religious fundamentalism had given an excuse to both States and groups to curb freedom of thought, conscience and expression and even the right to life of individuals.

54. While the protection of human rights was a universal duty, it was essential to develop strategies for human rights protection which took into account the relative degree of economic, social and political progress and the established cultures of the various countries so as to ensure the effectiveness of the measures envisaged. In developed countries, the protection of human rights was the product of centuries of evolutionary development. The same could not be said of many of the newly independent States or those which had recently thrown off the shackles of totalitarianism.

55. A major factor in encouraging respect for human rights in developing countries was a high level of literacy. Consequently, the education of the people must first be secured. Once educational levels improved, people would be able to read legal instruments, become more aware of their rights and mobilize to demand that the State observe its commitments under the international human rights instruments. There was thus an immediate need to include human rights education as an integral part of the syllabuses of educational establishments.

56. Furthermore, the reservations entered by some States to human rights instruments gave rise to great concern. As long as there were serious differences over certain instruments, and particularly optional protocols, with the result that they could not be made universally acceptable, the Commission should ensure that all States provided, within their own structures, for individual and group complaints against human rights violations. However, human rights could not and should not be used as a weapon by one State against another.

57. Mr. PUNJABI (Himalayan Research and Cultural Foundation) said that the International Covenants on Human Rights marked the zenith of human civilization and the culmination of the global struggle for human rights. While it was heartening to learn that the vast majority of States were signatories to the Covenants, the fact that some States flagrantly violated and disregarded them was most distressing. Indeed, States that ostentatiously voted in favour of Commission resolutions concerning the effective implementation of the Covenants, sometimes violated them with impunity in their own countries, even in the face of the findings of the special rapporteurs.

58. Gross violations of human rights were occurring in some South Asian States that had not signed the International Covenant on Civil and Political Rights. Pakistan was a case in point. It continued to suppress Sindhis for demanding the right to self-determination and to butcher Mohajirs for demanding the restoration of fundamental human rights. The Commission and representatives of the international community should put pressure on Pakistan and other such States to sign the treaties and protocols on human rights and join those States that had set an example to their region in that regard.

59. Mr. NAIR (Asian Buddhists Conference for Peace), speaking also on behalf of 12 other Asian human rights NGOs, said that the authoritarian Governments that continued to rule in Asia attempted to trample upon the inalienable human rights of Asians under the guise of cultural, historical and regional particularities.

60. Asian NGOs faced many challenges, not least the fact that their right to freedom of association was greatly limited in many countries. In that regard, they were disappointed that the United Nations Centre for Human Rights had chosen to exclude NGOs from the recent consultation at Kathmandu on regional human rights mechanisms for the Asia-Pacific region. Moreover, during the Commission's current session, Asian Governments had been doing their utmost to prevent the substantive consideration of issues concerning indigenous peoples.

61. Appalling violations of basic human rights continued to occur throughout the Asia-Pacific region, while many of the same repressive regimes accused the West of racial discrimination and the disruptions caused had triggered considerable refugee flows and internal displacements. In many countries blanket immunity was given to State agents from prosecution for human rights abuses. Asian NGOs wanted greater international scrutiny, not apathy or realpolitik.

62. Asian Governments had been espousing economic, social and cultural rights without even having ratified the International Covenant on Economic, Social and Cultural Rights, not to mention the absence of the requisite level of economic development. Unless the issue of income distribution within countries was properly addressed, the establishment of guidelines for the Bretton Woods institutions would be no panacea.

63. Ms. OLGUIN (International Indian Treaty Council) said that, for traditional indigenous peoples, the right to development was based not upon economic concerns alone but on a spiritual relationship with the land, water and natural environment. That right was interwoven with the responsibility to

protect the Earth from destruction, contamination and exploitation, yet environmentally and culturally destructive activities, such as the dumping of toxic and radioactive waste, strip mining, oil drilling, deforestation and overfishing, continued to be imposed or offered as their only development options.

64. Indigenous peoples that had suffered from such policies included a group that lived above the Arctic Circle in north-east Alaska, a tribe residing in Death Valley in California, inhabitants of British Colombia, the Ogoni peoples in Nigeria and indigenous people in Brazil. If indigenous peoples continued to be denied the right to development, it would spell the ruination not only of the indigenous peoples themselves, but also of the Earth and its resources.

65. Ms. BHUGTIAR (Liberation) said that transnational corporations influenced global economic development through foreign direct investment (FDI). Such corporations currently controlled 70 per cent of world trade, and their prospects for the future were even more promising as Governments lowered trade barriers and restrictions on foreign investment were removed.

66. The investment procedures of transnational corporations could affect the very development of a State. The sad example of the Ogoni tribe demonstrated their profound disregard for the well-being of native populations and the fact that they saw their duties and obligations very differently according to whether they were operating in a developed or developing country.

67. The United Nations should thus consider establishing an international regulatory body to prevent those corporations from not dominating the world's agenda. Any such body should take a careful look at long-term issues related to short-term investment. Though FDI was the key to development and growth, it usually benefited only a section of the community, leaving the majority behind. Such a situation was illustrated in India, where structural adjustment policies imposed following a loan from the International Monetary Fund (IMF) favoured foreign multinational firms at the expense of the national community.

68. If basic human rights were not to be sacrificed to economic development, the complementarity between rights and responsibilities needed to be emphasized. Business practices that genuinely tackled human rights issues should be encouraged through incentives, possibly by introducing accreditation for transnational corporations that adopted sound investment policies.

69. Any international regulatory body should concern itself with the overall state of the world economy and the promotion of sustainable development. Consistency between the policy goals of the major international financial institutions and of the World Trade Organization should be secured. Restrictive trade mechanisms and strategic alliances which sometimes masked monopolistic practices must be abolished. If the activities of international financial institutions failed to incorporate sustainable development ethics, the long-term destruction of the planet was inevitable.

70. Mr. QIRALDO (Indigenous World Association) said that joint investigatory committees comprising members of governmental and non-governmental bodies had been established in Colombia to counter the most serious violations of human rights there and ensure that the perpetrators did not go unpunished. Nevertheless, the work of such committees was often undermined and their recommendations were not implemented, giving rise to the suspicion that the Government was using them merely to improve its image. A special rapporteur should be appointed to look into that matter.

The meeting rose at 12.30 p.m.